

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

CHARLES ROBERT GORTON,

Plaintiff,

v.

BICK, et al.,

Defendants.

CASE NO. 1:05-CV-00354-DLB PC

ORDER TRANSFERRING CASE TO  
SACRAMENTO DIVISION BEFORE  
UNITED STATES MAGISTRATE JUDGE  
DALE A. DROZD PURSUANT TO 28 U.S.C.  
§ 1404(B)

Plaintiff Charles Robert Gorton ("Plaintiff") is a prisoner in the custody of the California Department of Corrections and Rehabilitation ("CDCR"). Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defendant Miller for failure to protect in violation of the Eighth Amendment. This matter is ready to proceed to trial.

In his pretrial statement filed February 25, 2011, Plaintiff moved for a change of venue to the Sacramento Division of the Eastern District of California, citing medical concerns. Defendants provided notice of non-opposition to a change of venue during the telephonic trial confirmation hearing held on April 1, 2011. Both parties consent to United States magistrate judge jurisdiction.

Change of venue in this instance is governed by 28 U.S.C. § 1404(b), which provides, "Upon motion, consent or stipulation of all parties, any action, suit, or proceeding of a civil nature or any motion or hearing thereof, may be transferred, in the discretion of the court, from the division in which pending to any other division in the same district."

1 The undersigned has consulted with United States Magistrate Judge Dale A. Drozd, who  
2 has agreed to try this action. Consistent with the parties' consent, and after consultation with  
3 Magistrate Judge Dale A. Drozd, it is HEREBY ORDERED that this action is transferred to the  
4 Sacramento Division of the Eastern District of California. The matter is to be assigned to  
5 Magistrate Judge Dale A. Drozd for all subsequent proceedings in this action. The new case  
6 number will be assigned after transfer.

7  
8 IT IS SO ORDERED.

9 Dated: April 11, 2011

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE